

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Michele M. Fabris
Debtor(s)

Bankruptcy Case No.: 16-11019-TPA
Per May 23, 2017 Proceeding
Chapter: 13
Docket No.: 34 - 7, 19
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated October 25, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$690.00 as of June, 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: May 26, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 6
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Michele M. Fabris
 Debtor

Case No. 16-11019-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
 Form ID: 149

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 Total Noticed: 68

Date Rcvd: May 26, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 28, 2017.

db +Michele M. Fabris, 274 Rose Street, Johnsonburg, PA 15845-1446
 cr +Farmers National Bank of Emlenton, 612 Main St, PO Drawer D, Emlenton, PA 16373-0046
 14310386 +AAS Debt Recovery Inc., P.O. Box 129, Monroeville, PA 15146-0129
 14310387 +Apex Asset Management, LLC, 2501 Oregon Pike, Suite 102, Lancaster, PA 17601-4890
 14310389 +Boskov's, P.O. Box 17642, Baltimore, MD 21297-1642
 14310392 +CBCS, P.O. Box 2724, Columbus, OH 43216-2724
 14310410 +CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034
 (address filed with court: Home Depot Credit Services, P.O. Box 182676, Columbus, OH 43218)
 14310393 +CNAC Finance Co., 7550 Leavitt Road, Amherst, OH 44001-2702
 14310398 +CP/Bon Ton, P.O. Box 182789, Columbus, OH 43218-2789
 14310391 +Capital One Bank, N.A., P.O. Box 71083, Charlotte, NC 28272-1083
 14345359 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 14310394 +Collection Service Center, 839 5th Avenue, P.O. Box 560, New Kensington, PA 15068-0560
 14310395 +Comenity - The Buckle, P.O. Box 659704, San Antonio, TX 78265-9704
 14310396 +Comenity-Peebles, P.O. Box 659465, San Antonio, TX 78265-9465
 14310397 +Comenity-Victoria's Secret, P.O. Box 659728, San Antonio, TX 78265-9728
 14310400 +DuBois Dermatology & Cosmetics, 105 Beaver Drive, #200, Du Bois, PA 15801-2515
 14310402 +Elk Regional Health Center, Attn: Cashier, 763 Johnsonburg Road, Saint Marys, PA 15857-3498
 14310403 +Elk Regional Physicians Group, 763 Johnsonburg Road, Saint Marys, PA 15857-3498
 14310405 ++FIFTH THIRD BANK, MD# ROPS05 BANKRUPTCY DEPT, 1850 EAST PARIS SE, GRAND RAPIDS MI 49546-6253
 (address filed with court: Fifth Third Bank, Corporate Office, 38 Fountain Square Plaza, Cincinnati, OH 45263)
 14310404 +Farmer's National Bank, Brookville Office, 263 Main Street, Brookville, PA 15825-1250
 14318548 +Fifth Third Bank, PO Box 9013, Addison, Texas 75001-9013
 14343650 +Harley-Davidson Credit Corp., PO Box 9013, Addison, Texas 75001-9013
 14310409 +Holiday Financial Services, 89 W. Main Street, Ridgway, PA 15853-1633
 14310412 +Jason D. Nedzinski, D.M.D., P.C., 1082 South Michael Road, Suite 2, Saint Marys, PA 15857-3003
 14310414 +Keystone Rural Health, 90 East Second Street, Emporium, PA 15834-1302
 14310416 +Life's Journey, 190 West Park Avenue, Suite 9, Du Bois, PA 15801-2277
 14310417 +Macy's Visa, P.O. Box 183084, Columbus, OH 43218-3084
 14310418 +Medicredit Corporation, P.O. Box 580381, Charlotte, NC 28258-0381
 14356690 +Midland Funding LLC, PO Box 2011, Warren, MI 48090-2011
 14310421 +Nationwide Insurance Headquarters, One Nationwide Plaza, Columbus, OH 43215-2239
 14310424 +Penn Credit, 916 S. 14th Street, P.O. Box 988, Harrisburg, PA 17108-0988
 14310425 +Penn Highlands DuBois, 1605 N. Cedar Crst Blvd Ste 110B, Allentown, PA 18104-2351
 14310426 +Penn Highlands Elk, P.O. Box 6195, Reading, PA 19610-0195
 14310427 +Penn Highlands Physician Network, 1605 N. Cedar Crest Blvd. Suite 110B, Allentown, PA 18104-2351
 14310428 +Pennsylvania Collection Service, P.O. Box 893, Washington, PA 15301-0893
 14310430 +R & R Radiology, 809 Turnpike Avenue, Clearfield, PA 16830-1232
 14310432 Sandra E. Ross, Johnsonburg, PA 15845
 14310434 +Seventh Avenue, 1112 7th Avenue, Monroe, WI 53566-1364
 14310435 +State Collection Service, Inc., P.O. Box 6250, Madison, WI 53716-0250
 14310441 +UPMC Health Services, P.O. Box 371472, Pittsburgh, PA 15250-7472

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: acg.acg.ebn@americaninfosource.com May 27 2017 00:40:38
 Capital One Auto Finance, a division of Capital On, c/o Ascension Capital Group, P.O. Box 165028, Irving, TX 75016, UNITED STATES 75016-5028
 14363180 +E-mail/Text: bncmail@w-legal.com May 27 2017 00:46:53 COMENITY CAPITAL BANK, C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 14310390 +E-mail/PDF: AIS.COAF.EBN@Americaninfosource.com May 27 2017 02:59:15
 Capital One Auto Finance, 3905 Dallas Pkwy, Plano, TX 75093-7892
 14331247 +E-mail/PDF: acg.acg.ebn@americaninfosource.com May 27 2017 00:41:02
 Capital One Auto Finance, c/o Ascension Capital Gr, P.O. Box 201347, Arlington, TX 76006-1347
 14310399 +E-mail/Text: bankruptcy_notifications@ccsusa.com May 27 2017 00:47:21
 Credit Collection Services, 2 Wells Avenue, Newton Center, MA 02459-3246
 14310401 +E-mail/Text: kroselli@countyofelkpa.com May 27 2017 00:46:43 Elk County Tax Claim Bureau, 250 Main Street, P.O. Box 448, Ridgway, PA 15853-0448
 14310407 E-mail/Text: bankruptcynotice@fcbanking.com May 27 2017 00:46:02 First Commonwealth Bank, Central Offices, Philadelphia and 6th Streets, P.O. Box 400, Indiana, PA 15701
 14310406 +E-mail/Text: bnc-bluestem@quantum3group.com May 27 2017 00:47:13 Fingerhut, P.O. Box 1250, Saint Cloud, MN 56395-1250
 14310408 +E-mail/Text: bankruptcy_notifications@hdfsi.com May 27 2017 00:47:14 Harley-Davidson Credit Corp., Attn: Customer Service, P.O. Box 22048, Carson City, NV 89721-2048
 14310411 +E-mail/Text: bankruptcy@icsystem.com May 27 2017 00:47:10 I.C. System, Inc., 444 Highway 96 East, P.O. Box 64437, Saint Paul, MN 55164-0437
 14310413 +E-mail/Text: rcorbett@kanehospital.org May 27 2017 00:47:30 Kane Community Hospital, 4372 Route 6, Kane, PA 16735-3099

District/off: 0315-1

User: vson
Form ID: 149

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Total Noticed: 68

Date Rcvd: May 26, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14310415 +E-mail/Text: bnckohlsnotices@becket-lee.com May 27 2017 00:46:05 Kohl's, P.O. Box 3043, Milwaukee, WI 53201-3043

14310419 +E-mail/Text: bankruptcydpt@mcmcg.com May 27 2017 00:46:41 Midland Credit Management, Inc., 8875 Aero Drive, Suite 200, San Diego, CA 92123-2255

14310420 +E-mail/Text: bankruptcydpt@mcmcg.com May 27 2017 00:46:41 Midland Funding, LLC, 8875 Aero Drive, Suite 200, San Diego, CA 92123-2255

14310422 +E-mail/Text: electronicbkydocs@nelnet.net May 27 2017 00:46:50 Nelnet Loan Services, 3015 S Parker Road, Suite 425, Aurora, CO 80014-2904

14310423 +E-mail/PDF: cbp@onemainfinancial.com May 27 2017 00:40:59 OneMain Financial, c/o Care Department, 6801 Colwell Boulevard, Irving, TX 75039-3198

14332317 +E-mail/PDF: cbp@onemainfinancial.com May 27 2017 00:40:35 Onemain, 605 Munn Road, FT Mill, SC 29715-8421

14310429 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 27 2017 00:49:54 Portfolio Recovery Associates, LLC, P.O. Box 12914, Norfolk, VA 23541

14312732 E-mail/Text: bnc-quantum@quantum3group.com May 27 2017 00:46:23 Quantum3 Group LLC as agent for, Credit Corp Solutions Inc, PO Box 788, Kirkland, WA 98083-0788

14334791 E-mail/Text: bnc-quantum@quantum3group.com May 27 2017 00:46:22 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788

14341998 E-mail/Text: bnc-quantum@quantum3group.com May 27 2017 00:46:22 Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788, Kirkland, WA 98083-0788

14356284 E-mail/Text: bnc-quantum@quantum3group.com May 27 2017 00:46:22 Quantum3 Group LLC as agent for, CASCADE CAPITAL LLC SERIES C, PO Box 788, Kirkland, WA 98083-0788

14310436 +E-mail/PDF: gecsedirecoverycorp.com May 27 2017 00:41:33 Synch/TJX Rewards, P.O. Box 530949, Atlanta, GA 30353-0949

14310437 +E-mail/PDF: gecsedirecoverycorp.com May 27 2017 00:41:33 Synchrony Bank/AEO, P.O. Box 530942, Atlanta, GA 30353-0942

14310438 +E-mail/PDF: gecsedirecoverycorp.com May 27 2017 00:41:33 Synchrony Bank/Care Credit, P.O. Box 960061, Orlando, FL 32896-0061

14310439 +E-mail/PDF: gecsedirecoverycorp.com May 27 2017 00:40:42 Synchrony Bank/Old Navy, P.O. Box 530942, Atlanta, GA 30353-0942

14310440 +E-mail/PDF: gecsedirecoverycorp.com May 27 2017 00:40:42 Synchrony Bank/Q Card, P.O. 965060, Orlando, FL 32896-5060

14319124 +E-mail/Text: electronicbkydocs@nelnet.net May 27 2017 00:46:50 U.S. Department of Education C/O Nelnet, 121 South 13th Street, Suite 201, Lincoln, NE 68508-1911

TOTAL: 28

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Harley-Davidson Credit Corp

14368234* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067 (address filed with court: Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541)

14310388 ###Best Buy Credit Services, P.O. Box 183195, Columbus, OH 43218-3195

14310431 ###Rent Recovery Solutions, 2814 Spring Road, Suite 301, Atlanta, GA 30339-3036

14310433 ###Schumacher Group, Return Mail Processing, P.O. Box 770, Larkspur, CO 80118-0770

TOTALS: 1, * 1, ## 3

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 28, 2017

Signature: /s/Joseph Speetjens

District/off: 0315-1

User: vson
Form ID: 149

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Total Noticed: 68

Date Rcvd: May 26, 2017

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 26, 2017 at the address(es) listed below:

James Warmbrodt	on behalf of Creditor	Harley-Davidson Credit Corp bkgroup@kmlawgroup.com
Kenneth P. Seitz	on behalf of Debtor Michele M. Fabris	thedebraters@aol.com
Michael W. Sloat	on behalf of Creditor	Farmers National Bank of Emlenton mike@lkslaw.us, scott@lkslaw.us
Office of the United States Trustee		ustpreregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour		cmecf@chapter13trusteedpa.com

TOTAL: 5